



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,263	06/08/2005	Hiroyuki Hidaka	81887.0125	2260

26021 7590 11/07/2006

HOGAN & HARTSON L.L.P.
1999 AVENUE OF THE STARS
SUITE 1400
LOS ANGELES, CA 90067

EXAMINER

HOLLIDAY, JAIME MICHELE

ART UNIT	PAPER NUMBER
----------	--------------

2617

DATE MAILED: 11/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/538,263

Applicant(s)

HIDAKA, HIROYUKI

Examiner

Jaime M. Holliday

Art Unit

2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 9-14.
Claim(s) objected to: 2, 3, 6 and 7.
Claim(s) rejected: 1, 4, 5 and 8.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant basically argues that Moles et al. and Kanerva et al. do not disclose or suggest, "a control section that changes a criterion of the determination of the handoff in the idle state with the second communication system in accordance with a state of the first communication system." Applicant further argues that Moles et al. and Kanerva et al. cannot properly be combined to obtain the features of claim 1, since Moles et al. is directed toward a multi-mode communication system, while Kanerva et al. is directed toward a single-mode communication system. Examiner respectfully disagrees. The Office notes that Moles does not disclose "the threshold value register changes the threshold value in accordance with the state of the serving mobile system," (Office Action; Page 4, lines 6-8). In other words, Moles et al. do not specifically disclose the claimed limitation "control section that changes a criterion of the determination of the handoff." Kanerva et al. clearly reads on this limitation (Office Action; Page 4 line 9- Page 5 line 4), as Moles et al. meet the limitations of the rest of the claim. In particular, Kanerva is used to overcome the cited limitation "changes criterion of the determination of the handoff in idle state." Also, it is known in the art that communication systems have base stations are equivalent components (access nodes, etc.), wherein the handoff between systems involves handing off the connection between the system and a terminal via these components. Applicant further argues, "the mobile device does not have to be moving (Specification; Page 2, line 7-Page 3, line 20)." Examiner respectfully disagrees. The cited passage in the specification disclose specifically disclose, "the mobile device does not have to be moving." It is known in the art that an idle handoff is one in which a handoff is performed when in an idle state, as clearly disclosed in Kim et al. (U.S. 6,195,551 B1), previously made of record. Kim et al. clearly show and disclose that in a cellular environment, an idle handoff occurs when a mobile station has moved from the coverage area of one base station into the coverage area of one base station into the coverage area of another base station during the mobile station idle state (col. 1 lines 10-20). Therefore, Examiner maintains rejections based on above reasons.

JEAN GELIN
PRIMARY EXAMINER

